

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 27-44 are pending in the application, with claims 27, 33, and 39 being the independent claims. Claims 1-26 were previously cancelled. Claim 39 is currently amended to place the application in even better condition for allowance or appeal. No new issues requiring further search or consideration by the Examiner are presented. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

In section 10 of the Office Action, the Examiner maintained the rejection of claims 39-44 as allegedly being non-statutory. More specifically, the Examiner alleged that in the Applicants' specification, the computer useable medium can refer to a carrier wave or other signal. Applicants respectfully traverse this rejection.

In section 4 of the Office Action, the Examiner alleges, "Claim 38 is directed to the result of execution of software code and is not a tangible result." However, the Examiner did not reject claim 38 under 35 U.S.C. § 101. Moreover, claim 38 depends from independent claim 33 and is directed to a system for scheduling executions of programs on a plurality of computers, rather than a computer program product. Thus,

Applicants presume that the Examiner intended to refer to independent claim 39, rather than claim 38. Accordingly, the following discussion of the § 101 rejection is directed to rejected claims 39-44.

Without acquiescing to the propriety of this rejection, Applicants, for the purpose of expediting prosecution, have amended independent claim 39 to replace the term "tangible computer useable medium" with the term --tangible computer useable storage--, which is not defined in Applicants' specification to include media that transmits a carrier wave. Claims 40-44 depend from independent claim 39. In light of this amendment, Applicants believe this rejection of claims 39-44 has been accommodated or rendered moot and therefore request that this rejection be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

Claims 27-29, 32-35, 38-41, and 44

In section 11 of the Office Action, the Examiner maintained the rejection of claims 27-29, 32-35, 38-41, and 44 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,275,575 to Wu (hereinafter "Wu") in view of U.S. Patent No. 6,085,244 to Wookey (hereinafter "Wookey"). Applicants respectfully traverse this rejection.

Independent claim 27 recites:

A computer-based method of scheduling executions of programs on a plurality of computers comprising the steps of, at a scheduling third computer:

- (a) receiving a first notification from a first computer upon the installation of a first program on the first computer;
- (b) receiving a second notification from a second computer upon the installation of a second program on the second computer, wherein the operating system of the second computer is different from the operating system of the first computer;

(c) updating a master schedule based on the first and the second notifications, wherein the updated master schedule indicates when the first program is to be executed on the first computer and when the second program is to be executed on the second computer; and

(d) requesting the first computer to execute the first program and requesting the second computer to execute the second program according to the updated master schedule.

In Wu, a coordinating subscriber uses a networked terminal device to remotely access a coordinating server device for the purpose of proposing a multi-point telephone conference. Software agents are resident on the coordinating server device. Menu screens are resident on the networked terminal device. Wu, Col. 2, lines 53-64.

The Examiner relies on Col. 2, lines 43-52 of Wu to allegedly teach "installing (set up and initiation) of a first program on the first computer." Office Action, page 7. However, upon inspection, Wu clearly does not teach this feature, as alleged in the Office Action.

Col. 2, lines 43-52 of Wu recite the following:

An object of the present invention is therefore to provide a method and system for remotely accessing a cross-platform telephone conference system for the purpose of coordinating and initiating multi-point telephone conference meetings. More specifically, the present invention utilizes intelligent agents and network based software application modules (i.e., contact lists, email, calendars, etc.) to facilitate the setup and initiation of telephone conference calls from locations remote to the telephone conference server and associated equipment.

However, setting up and initiating telephone conference calls from locations remote to the telephone conference server and associated equipment is not the same as installing a first program on the first computer. In fact, nothing in Wu even suggests that setting up and initiating a telephone conference call includes installing a program on a computer.

Instead, Wu specifically states that the software agents analyze the conference information, the subscriber and non-subscriber attribute data, and the available schedule information of the selected participants and generates/forwards appropriately formatted invitations to those invited. "Subscriber/non-subscriber responses to the invitations are forwarded to the coordinating server device and the coordinator's terminal device." Wu, Col. 3, lines 3-12. The coordinating server device then generates and stores a control script for a pre-designated telephone conference server. "To initiate the telephone conference the coordinator accesses the coordinating server device, selects the identifier for the previously stored telephone conference and inputs a pre-designated key sequence...." Wu, Col. 3, lines 3-12. Accordingly, Applicants assert that nothing in the cited text or other portions of Wu teaches or suggests "installing (set up and initiation) of a first program on the first computer", as alleged in the Office Action.

Moreover, the Examiner relies on Col. 2, lines 23-32 of Wu to allegedly teach "installing of a second program on the second computer, wherein the operating system of the second computer is different from the operating system of the first computer (cross-platform)". Office Action, page 7. However, upon inspection, Wu clearly does not teach this feature, as alleged in the Office Action.

Col. 2, lines 23-32 of Wu recite the following:

This situation is further complicated when the teleconferencing system is required to coordinate a cross-platform telephone conference call with terminal devices ... operating on different types of communication networks. Cross-platform telephone conferencing systems and so-called intelligent agents are available but they generally require dedicated server devices and associated software costing tens of thousands of dollars which would make them unappealing to many small businesses and individual users desiring to use this type of service.

The cited text refers to a cross-platform telephone conference call. However, nothing in the cited text or other portions of Wu teaches or suggests ""installing of a second program on the second computer", as alleged in the Office Action.

It should be noted that independent claim 27 more specifically recites, among other features, "receiving a first notification from a first computer upon the installation of a first program on the first computer" and "receiving a second notification from a second computer upon the installation of a second program on the second computer". The Examiner concedes that Wu fails to explicitly teach having a master schedule based on the notifications. Applicants agree that Wu fails to teach this point and assert that Wu further fails to teach or suggest receiving a first/second notification from a first/second computer upon the installation of a first/second program on the first/second computer, as set forth in Applicants' claim 27. The Examiner appears to rely on Col. 2, lines 58-64 of Wookey to allegedly teach these features.

In Wookey, a master monitored computer communicates diagnostic information resulting from execution of diagnostic programs from all monitored computers (master and slaves) to a remote monitoring system, which acquires the diagnostic information at predetermined intervals. Wookey, Col. 2, lines 43-51. The diagnostic information includes an indication of what components are currently installed on the monitored system. If the remote monitoring system detects that a new component has been installed, a new diagnostic test for the new component is provided to the monitored system from the remote monitoring system. "The new test is selectively provided to the monitored computers [that require the new test] and the selected computers are

configured to automatically execute the new tests with a default execution schedule."

Wookey, Col. 2, line 57 - Col. 3, line 6.

Thus, in Wookey, the diagnostic information that is used to detect the new component is received *before* the new diagnostic test for the new component is provided to the component, which is not the same as receiving a first/second notification from a first/second computer upon the installation of a first/second program on the first/second computer, as set forth in Applicants' claim 27. Moreover, the new component *automatically* executes the new test, obviating the need to notify the remote monitoring system that the new diagnostic test has been provided. Thus, Applicants assert that Wookey does not teach or suggest, and in fact teaches away from, receiving a first/second notification from a first/second computer upon the installation of a first/second program on the first/second computer, as set forth in Applicants' claim 27.

For at least the reasons set forth above, Applicants assert that independent claim 27 is patentable over Wu and Wookey, alone or in combination.

Applicants further assert that independent claims 33 and 39, as amended, are patentable over Wu and Wookey, alone or in any combination, for reasons similar to those set forth above with respect to independent claim 27, and further in view of their own respective features.

Moreover, claims 28, 29, and 32, which depend from independent claim 27, claims 34, 35, and 38, which depend from independent claim 33, and claims 40, 41, and 44, which depend from independent claim 39, are also patentable over Wu and Wookey, alone or in any combination, for reasons similar to those set forth above with respect to independent claim 27, and further in view of their own respective features.

Therefore, reconsideration and withdrawal of the rejection of claims 27-29, 32-35, 38-41, and 44 is respectfully requested.

Claims 30, 36, and 42

In section 23 of the Office Action, the Examiner maintained the rejection of claims 30, 36, and 42 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wu in view of Wookey, and further in view of U.S. Patent No. 6,606,660 to Bowman-Amuah (hereinafter "Bowman"). Applicants respectfully traverse this rejection.

Applicants assert that claims 30, 36, and 42 are patentable over Wu and Wookey, alone or in any combination, for reasons similar to those set forth above with respect to independent claim 27, and further in view of their own respective features. Applicants further assert that Bowman does not provide the teachings missing from the combination of Wu and Wookey. Thus, claims 30, 36, and 42 are patentable over Wu, Wookey, and Bowman, alone or in any combination.

Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claims 30, 36, and 42.

Claims 31, 37, and 43

In section 25 of the Office Action, the Examiner maintained the rejection of claims 31, 37, and 43 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wu in view of Wookey, and further in view of U.S. Patent No. 5,970,062 to Bauchot (hereinafter "Bauchot"). Applicants respectfully traverse this rejection.

Applicants assert that claims 31, 37, and 43 are patentable over Wu and Wookey, alone or in any combination, for reasons similar to those set forth above with respect to independent claim 27, and further in view of their own respective features. Applicants

further assert that Bauchot does not provide the teachings missing from the combination of Wu and Wookey. Thus, claims 31, 37, and 43 are patentable over Wu, Wookey, and Bauchot, alone or in any combination.

Applicants therefore respectfully request reconsideration and withdrawal of the rejection of claims 31, 37, and 43.

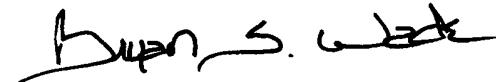
Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully
requested.

Respectfully submitted,

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